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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S. B. CRIMINAL REVISION PETITION NO. 194/2003

DURGA BAI Vs. GOPAL & ORS.

DATE: 06.02.2007.

HON'BLE MR. JUSTICE K. S. RATHORE

Mr. Sanjay Mehriishi for the petitioner.
Mr. D. S. Jhala and
Mr. Suresh Dhenwal for the respondents.

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The present criminal revision petition is directed against the judgment dated 20.11.2002 passed by the Additional District & Sessions Judge (Fast Track) No.1, Jhalawar in Sessions Case No. 201/2001, whereby the respondents Gopal, Raju and Chandu have been convicted under Section 324 IPC and the remaining respondents namely Mangilal and Hemraj have been convicted under Section 323 IPC, but all of them are given the benefit of probation under the Probation of Offenders Act and respondents Gopal, Raju and Chandu have also been directed to pay Rs. 500/- each and respondents Mangilal and Hemraj have been directed to pay Rs. 200/- each as compensation totaling to Rs. 1,900/-, out of which Rs. 1,500/- has been awarded in favour of the petitioner Durga Bai as compensation.

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I have heard rival submissions of the respective parties and have also gone through the impugned judgment.

So far as extending the benefit of probation under the Probation of Offenders Act to the respondents is concerned, the learned Fast Track Judge has rightly exercised its discretion looking to the offence committed by the respondents, but looking to the injury sustained by the petitioner, compensation amount has not been adequately awarded.

Therefore, the impugned judgment dated 20.11.2002 passed by the Additional Sessions Judge (Fast Track) NO.1, Jhalawar is modified only to the extent of compensation and the respondents Gopal, Raju and Chandu are directed to make the payment of Rs. 1,000/- each and respondents Mangilal and Hemraj are directed to make the payment of Rs. 500/- each as compensation. Thus, the total amount of Rs. 4,000/- is awarded to the petitioner as compensation. The amount of compensation already paid by the respondents be adjusted accordingly. The respondents are directed to make the payment of the aforesaid amount within a period of three months from the date of passing of the order, failing which the benefit of probation as given to the respondents shall stand withdrawn automatically and the respondents have to undergo simple imprisonment

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for three months in default of payment of compensation.

Accordingly, the impugned judgment dated 20.11.2002 passed by the Additional Sessions Judge (Fast Track) No.1, Jhalawar is modified to the extent as indicated herein above and the revision petition stands disposed of.

(K. S. RATHORE), J.

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